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PTO/SB/31 (08-03)

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**NOTICE OF APPEAL FROM THE EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Docket Number (Optional)

KIN-15384

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on January 9, 2006

Signature

Typed or printed
name

David E. Spaw

In re Application of

Chikara Sugai et al.

Application Number

10/799561

Filed

3/11/2004

For DISPLACEMENT MEASURING INSTRUMENT

Art Unit

2859

Examiner

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 1.17(b))

\$ 500.00*

* Please apply Notice of Appeal
Fee paid June 1, 2005

\$ _____

- ☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:
- ☐ A check in the amount of the fee is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 18-0160. I have enclosed a duplicate copy of this sheet.
- ☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)
- ☒ attorney or agent of record.
Registration number 34732
- ☐ attorney or agent acting under 37 CFR 1.34(a).
Registration number if acting under 37 CFR 1.34(a): _____

Signature

David E. Spaw

Typed or printed name

216-566-9700

Telephone number

January 9, 2006

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒ *Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.191. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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01/12/2006 SSESHE1 00000072 180160 10799561

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/799561 Confirmation No. 7778
Applicant : Chikara Sugai et al.
Filed : March 11, 2004
TC/A.U. : 2859
Examiner : Yaritza Guadalupe-McCall

Title : DISPLACEMENT MEASURING INSTRUMENT
Docket No. : KIN-15384
Customer No. : 040854

REINSTATEMENT OF APPEAL

(In response to Paper No./Mail Date 10062005)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office action dated October 7, 2005, applicant hereby elects to reinstate the appeal. In accordance with MPEP 1204.01, enclosed herewith is a new Notice of Appeal in compliance with 37 CFR 41.37. Insofar as the Board has not rendered a final decision on this application, it is requested that the previously-paid fee for filing the Notice of Appeal be applied to this new Notice.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 18-0160, our Order No. KIN-15384.

Respectfully submitted,

RANKIN, HILL, PORTER & CLARK LLP

By 
David E. Spaw Reg. No. 34732

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Signature of Person Mailing Paper

1/9/2006
Date

David E. Spaw
Printed Name of Person Mailing Paper